

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 23, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 08HD-066

Hawaii

Grant of Perpetual, Non-Exclusive Easement to DJAT, LLC for Utility Purposes,
Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-4-57:portion 01.

APPLICANT:

DJAT, LLC, a Hawaii Limited Liability Company whose business and mailing address is
270 Kanoelani Street, Hilo, Hawaii 96720.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waiakea Cane Lots situated at Waiakea, South Hilo,
Hawaii identified by Tax Map Key: 3rd/2-4-57:por. of 01, as shown on the attached map
labeled Exhibit A.

AREA:

3,000 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove waste disposal transmission pipeline over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3, Item No. d that states "Construction and location of single new small facilities or structures and alterations and modification of same and installation of new, small, equipment and facilities and alterations and modifications of same including but not limited to: water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine initial rent/one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 4) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

The applicant, DJAT, LLC (TMK: 3rd/2-2-26:24) has requested an easement over State land to connect their waste disposal to the County sewer line in compliance with the Clean water Act. The most efficient and cost effective means would be to connect to the sewer line on Kawili Street.

The State land is a portion of an abandoned railroad right-of-way encompassed into parcel 3rd/2-4-57:01. The length of the easement would be approximately 300 feet from the center of the applicants' property to Kawili Street.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Various governmental agencies were solicited for comments. All respondents had no comments or objections to the request as indicated below:

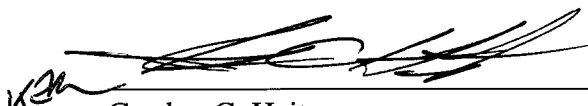
County of Hawaii Agencies	Comments
Environmental Management	No Objection
Fire Department	No Comments
Planning	No Objections
Police Department	No Objections
Public Works	No Comments
Water Department	No Objections
State of Hawaii Agencies	Comments
DOH-Environmental Management	No Response
DHHL	No Objection
DLNR-Historic Preservation	No Objection
DOT-Highways Division	No Response
Other Agencies	Comments
Office of Hawaiian Affairs	No Objection

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (3) 2-2-26:24, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.


3. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to DJAT, LLC covering the subject area for utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key:3RD/2-2-26:24, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gordon C. Heit
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson


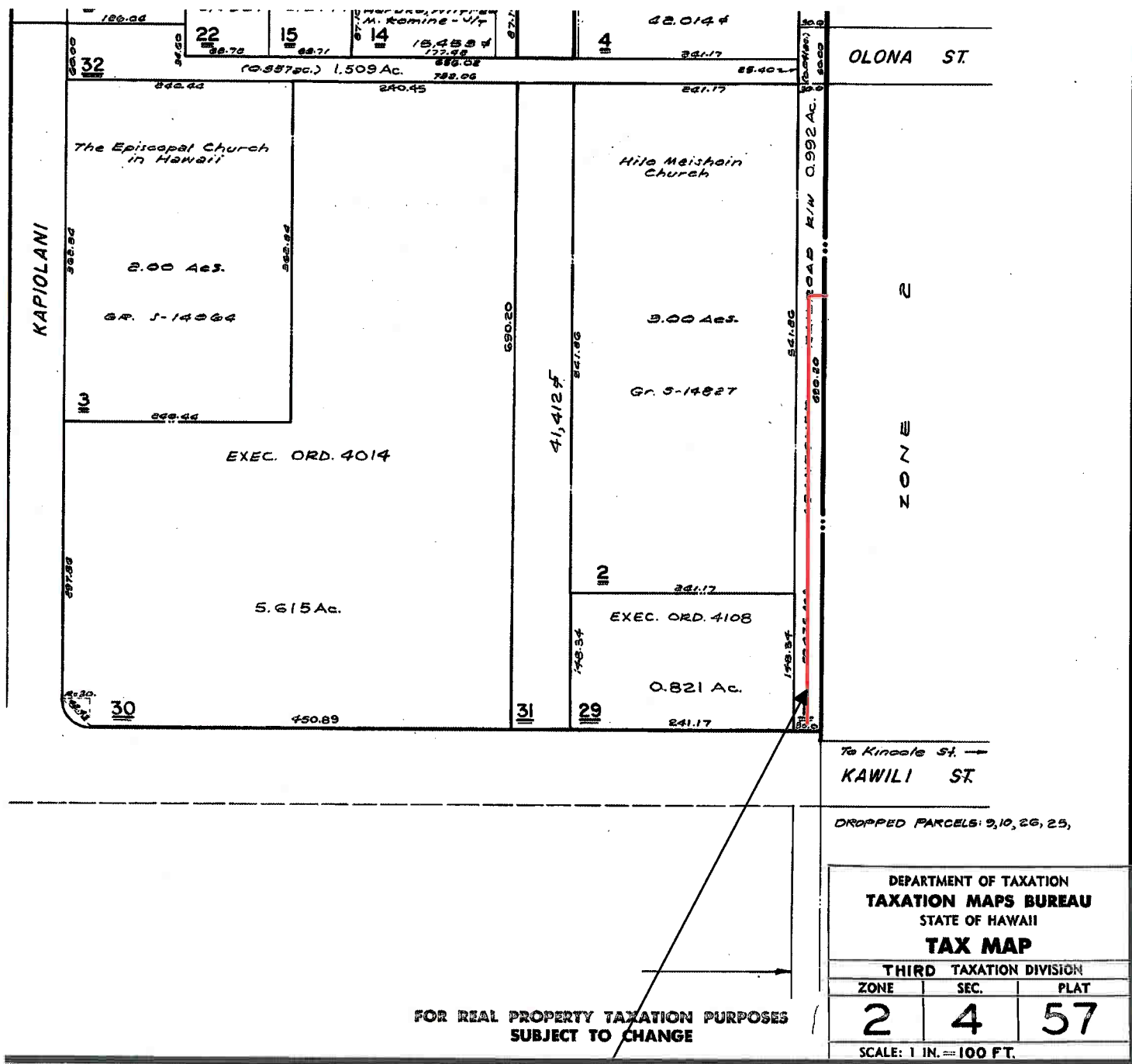


EXHIBIT A



DJAT LLC Easement



0 60 120 240 360 480
Feet

